S.B.Civil Writ Petition No.6504/2007
Suresh Kumar & Ors.
vs
Municipal Council, Udaipur & Anr.

Date of order : 14.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.Sajjan Singh, for the petitioners.

<><><>

Heard learned counsel for the petitioners.

The petitioner is aggrieved against the order of the trial court dated 19.2.2007 by which the petitioners' application filed under Section 65 of th Evidence Act was dismissed by the trial court.

It appears that the petitioners' application was dismissed by the trial court earlier vide order dated 15th April, 2006, against which, the petitioners preferred S.B. Civil Writ Petition No.4615/2006. In the said writ petition, this Court while deciding the writ petition vide order dated 12th Oct., 2006 directed the trial court to re-examine the matter in view of the statement of the petitioners that Photostat copies of the Pattas were also produced before the trial court, but were not considered by the trial court. The trial court vide order dated 19.2.2007 dismissed the application

again, hence, this writ petition.

It appears from the impugned order dated 19.2.2007 that in fact in civil original suit even Photostat copies of the Pattas were not produced but they were produced in Misc. Proceedings of the same suit, therefore, the trial court again considered the matter afresh. It appears from the facts of the case, which are not in dispute that even certified copies of the Pattas were not produced before the trial court despite defendants' written objection that the Pattas in question are forged one and despite the defendants' specific contention in reply that the contention of the petitioners that they produced the original Pattas before the UIT was wrong and they produced only Photostat copies of the Pattas, the petitioners did not produce the certified copies of the Pattas, which they could have obtained from the concerned department either from the Gram Panchayat or from the Municipal Board where the record could have been lying as stated by the petitioners themselves.

In view of the above reason of not producing the certified copies of the Pattas and not making any effort for producing the certified copies of the Pattas in question, I do not find any reason to

interfere in the impugned order.

Hence, the writ petition of the petitioners is dismissed having no force.

(PRAKASH TATIA), J.

c.p.goyal/-